



DOCKET ITEM #8 A & B

***Special Use Permit #2010-0010 (A)***  
***City Charter Section 9.06 #2010-0002(B)***  
***106 South Union Street – Restaurant***

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Application	General Data	
<b>Request:</b> Consideration of a request to operate a restaurant and request for approval of a change of use for Wales Alley under Section 9.06 of the City Charter	<b>Planning Commission Hearing:</b>	May 4, 2010
	<b>City Council Hearing:</b>	May 15, 2010
<b>Address:</b> 106 South Union Street	<b>Zone:</b>	CD/Commercial Downtown
<b>Applicant:</b> 106 Union Dublin, LLC by Duncan Blair, Attorney	<b>Small Area Plan:</b>	Old Town

**Staff Recommendation:** A) approval of the SUP subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report; and B) approval of a change of use under Section 9.06 of the City Charter (Planning Commission approval only).

**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**CITY COUNCIL ACTION, MAY 15, 2010:** City Council approved the Planning Commission recommendation.

**PLANNING COMMISSION ACTION, MAY 4, 2010:** On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the Special Use Permit request, subject to compliance with all applicable codes, ordinances, and staff recommendations. On a motion by Mr. Wagner seconded by Ms. Fossum, the Planning Commission approved the City Charter Section 9.06 request, finding that it is consistent with the Master Plan. The motions carried on a vote of 6 to 1, with Mr. Dunn voting against.

In a prior motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to defer the request until the Waterfront Plan is complete. The motion failed on a vote of 2 to 5, with Mr. Dunn and Mr. Robinson voting in favor of deferral.

Reason: The Planning Commission agreed with staff analysis, though some Commissioners expressed concern with the proposal coming forward prior to completion of the Waterfront Plan.

Speakers:

Duncan Blair, representing the applicant, spoke in favor of the request and noted the City's ownership of the alley.

Van Van Fleet, Old Town resident and member of Waterfront Plan Committee, expressed opposition to the proposal. He stated that a diversity of uses is important and noted traffic and congestion in the area on weekends.

Poul Hertel, Old Town Civic Association president, outlined the concerns of the OTCA Board, including that restaurants are replacing independent retail businesses. The OTCA Board requested that the Commission defer its decision on the matter until the Waterfront Plan is complete.

Harry Hart, attorney representing the Old Dominion Boat Club, opposed the part of the application requesting the use of Wales Alley. He stated that the City does not own the alley and that the Boat Club has a court-ordered right to use it without any obstructions.

Katie Cannady, citizen, opposed the use of the alley for outdoor dining. She stressed the importance of keeping remaining alleys open in order to preserve Alexandria's seaport history.



SUP #2010-0010

05/04/10



## I. DISCUSSION

### REQUEST

The applicant, 106 Union Dublin, LLC by Duncan Blair, Attorney, requests special use permit approval for the operation of a restaurant located at 106 South Union Street.

### SITE DESCRIPTION

The subject site involves one lot of record plus a portion of a public alley. The lot of record has 34.6 feet of frontage on South Union Street, 114.1 feet of depth and a total lot area of 4,324 square feet. The property is developed with a two-story brick building built between 1912 and 1921. The public alley, known as Wales Alley, is located immediately to the north of the property and connects South Union Street to The Strand.



The surrounding area is occupied by a mix of commercial and office uses. To the north are offices, retail, and two restaurants, Starbucks and Mai Thai. The Old Dominion Boat Club parking lot and Waterfront Park are located to the east. The Strand Building and its parking garage are located to the south. The 115 South Union office building, Firehook Bakery and a barber shop are located across South Union Street to the west.



### BACKGROUND

This location is the former site of Olsson's Bookstore, which closed in 2008. A small tea room/restaurant had been located inside the bookstore from 1981 until it closed in 1988. On April 13, 1996, City Council approved SUP#96-0019 for a coffee bar within the store. The coffee bar changed ownership several times over the years and the SUP was amended to increase seating in 2002. A Special Use Permit for a restaurant and amusement enterprise at this location was applied for in 2009 but later withdrawn.

### PROPOSAL

The applicant proposes to operate a restaurant featuring moderately-priced "comfort food" and a wide selection of specialty "craft" beers. The restaurant will occupy the entire two-story, 7,900-square foot building as well as approximately half of the adjacent Wales Alley. The application has been amended by letter dated March 30, 2010 to request approval of 300 indoor seats, and 50 outdoors, for a total of 350 seats. The outdoor seating is proposed to be located in Wales Alley

on a newly-constructed platform measuring approximately 73 feet long by 11 feet wide. An overhead canopy structure will be located above the outdoor dining area and will extend forward toward South Union Street. Further details about the applicant's restaurant proposal are as follows:

<u>Hours:</u>	11:00am – 1:00pm seven days/week
<u>Number of seats:</u>	300 indoor seats <u>50 outdoor seats in Wales Alley</u> <b>350 total seats</b>
<u>Type of Service:</u>	Table and bar service only
<u>Alcohol:</u>	On-premises alcohol service only
<u>Entertainment:</u>	No live entertainment is proposed, although several large-screen televisions will be placed near the bar area.
<u>Delivery:</u>	No delivery service is proposed
<u>Noise:</u>	Noise levels not anticipated to exceed levels permitted under Alexandria City Code
<u>Trash/Litter:</u>	Trash will be collected six days/week. Employees will monitor the vicinity for litter.

#### WALES ALLEY

The applicant's proposal includes the use of a portion of Wales Alley that is immediately north of 106 South Union Street. The applicant originally applied for an encroachment permit, but staff determined that was not an appropriate mechanism for the proposed use of the alley, and is not processing that application. This case does include a request to approve the use of the alley under section 9.06 of the City Charter; that request relates only to the question of whether the use of the alley by the restaurant is consistent with the City's Master Plan

Wales Alley is a public alley that currently functions as a thoroughfare for two way traffic between South Union Street and the Strand. The proposal is to develop an approximately 1000 square foot area with a raised deck and outdoor seating under a roof that extends from the building. The application also includes a proposal to resurface the entire alley with brick at the applicant's cost.

### PARKING

The subject property is located within the Central Business District (CBD.) According to Section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

In this case the applicant has submitted a parking plan which includes a number of mechanisms, including advertising, to encourage patrons to use public transportation and, if they drive, to park in nearby parking garages. The plan includes a specific arrangement that has been negotiated with the adjacent 62 space private garage whereby restaurant customers may park at significantly reduced rates.

### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503 (W) of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use. The Old Town Restaurant Policy is part of the Small Area Plan and is discussed on the following page.

## **II. STAFF ANALYSIS**

Staff recommends approval of the proposed new restaurant, including its use of the adjacent alley, and the accompanying section 9.06 request. The new use will occupy a vacant historic building, and should add interest and texture to the waterfront area. While the restaurant is large, and features a bar and “craft” beers, it is a use that is consistent with existing and future city policies, as well as with the King Street Restaurant Policy.

### **Existing and Future City Plans and Policies**

#### *King Street Retail Strategy*

The King Street Retail Strategy, the most recent adopted plan for the King Street area, supports a vibrant mix of retail and restaurant uses as a way to maintain an economically healthy commercial and tourist area. It encourages restaurants as being especially valuable for two reasons: particularly with outdoor dining, they promote an active pedestrian experience; they also extend that active experience into the evening and weekends so there is activity throughout the day and week. The Strategy cautions that restaurants have the potential to crowd out retail uses and that fast-food restaurants could damage the unique character of Old Town. However, in this case, the restaurant will not be serving fast-food and there is a mix of uses that will remain in the vicinity.

Waterfront Plan

The restaurant is also consistent with the upcoming Waterfront Plan, which celebrates the area at the foot of King Street and along the Strand and seeks generally to add interest and enliven the pedestrian experience along the Potomac River. Consistent with community desires expressed during several public planning meetings, the plan will specifically recommend increased dining opportunities with river views in the waterfront area. The proposed restaurant is close to the foot of King Street and the river and the proposed building design adds a significant window area on the rear of the second floor so that patrons can take advantage of their location. As with the second floor of Mai Thai, the river view should enhance the popularity of the restaurant and more generally of the waterfront, allowing more people to enjoy it.

To reinforce its location near the public areas along the river, the new restaurant proposes to use a portion of the adjacent alley for one level of ground-floor outdoor seating. The addition of visible activity at this location and new alley surface will attract King Street pedestrians to follow the path to the waterfront area, again consistent with the Waterfront Plan's attempts to make the waterfront area more visible and accessible.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that any new or expanded restaurant in the neighborhood will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors: the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and diversity of uses.

*A) Availability of Off-Street Parking*

A large, 350 seat, restaurant has the obvious potential for competing with residents for on street parking in the area. The recent King Street Parking Study showed clearly that despite the popularity and consistent use at peak times of on-street parking in areas such as lower King Street, South Union Street, and nearby residential streets, the garages in the vicinity retain capacity. It therefore behooves the City, as well as businesses, to find mechanisms to attract customers to use available off street parking. Garages will be attractive to parkers if they are conveniently located, well-signed and not expensive.

The applicant has compiled a multi-strategy parking plan which relies heavily on advertising and Internet interactivity to direct patrons to garages as well as public transportation. Most importantly, the applicant has negotiated an arrangement with the adjacent private garage operated by Altman Company to allow restaurant customers to park for a \$4.00 flat fee, instead of the normal \$7.00 fee, for an evening. While the parking charge could be lower, staff welcomes the effort and believes it is sufficiently low that it should be attractive to restaurant customers. The applicant will also attempt to make similar arrangements with other nearby garages. Finally, the applicant is suggesting that signage be added to the building directing customers to the adjacent parking opportunity and, subject to BAR approval, staff supports that

idea. If the applicant's parking proposal is successful, it should benefit the nearby residential area by minimizing competition for parking spaces there.

Staff has added condition language which incorporates the applicant's parking efforts, acknowledging that components of the plan may change over time, and allowing changes with staff approval. The condition also references a potential overall parking program for restaurants in Old Town which could modify or supersede the applicant's plan. Staff suggests that the issue requires more policy discussion; it also needs time to determine if efforts such as proposed in this case and the new restaurant at 277 South Washington Street are successful. If new restaurants in the future are able to successfully direct patrons to existing garage capacity, through pricing, signage and valet services, that effort could become part of the ultimate Old Town parking policy for businesses.

#### *B) Late-Night Hours and Alcohol*

Staff acknowledges the potential for issues related to late night hours and alcohol. The restaurant features a bar and "craft beers," and proposes to close both the indoor and outdoor restaurant areas at 1:00 a.m. The timing, however, is comparable to other restaurants in Old Town. O'Connell's closes at 1:00am daily. The Fish Market closes at 1:00am Monday-Saturday and 12:00 midnight on Sunday. Jackson 20 is permitted to stay open until 1:30 daily, and Bugsy's is allowed to stay open until 1:30 am on Friday and Saturday. At least three grandfathered restaurants in the vicinity, including Union Street Public House, the Wharf, Red Curry (at 100 King Street) may stay open until 2:00 am. As to the indoor dining, staff supports continuing the 1:00 am closing time established in the Fish Market and O'Connell's cases

As to outdoor dining, the Old Town Outdoor Dining program requires that restaurant seating close at 11:00 p.m. This application is proceeding as a SUP, beyond that program's requirements, but staff does not support hours that are inconsistent with the norm for other outdoor dining in Old Town.

In addition to proposing hours consistent with other restaurants, staff notes that the applicant's concept, while including "craft beers," also includes a significant food menu and does not include entertainment. The potential for late night problems is reduced as compared to restaurants with later hours and entertainment attractions.

#### *C) Extent of Litter Impact*

Although restaurants generally have the potential to create litter, the potential is reduced at establishments, including the current proposal, that do not offer carry-out service. The standard conditions included in this report should sufficiently address litter concerns.

#### *D) Diversity of Uses*

The balance among uses in Old Town is an important ingredient in maintaining an active environment with suitable commercial offerings for a variety of residents and visitors. In this



case the restaurant will be located in a large space formerly occupied by a retail bookshop. Although a retail use would have been a good alternative to a restaurant here, Olsson's closed nearly two years ago, along with all of its other area locations, and the space has been vacant since then. In addition, this portion of South Union Street will retain a lively mix of uses including two coffee shops, a barber shop, significant office space, the Union Street Public House, two gift shops and a shoe store. Within a block of the restaurant there is the Torpedo Factory and additional retail uses on lower King Street.

Staff met recently with representatives of the Old Town Civic Association and discussed the question of the desired diversity of uses in Old Town generally. The group recognizes that the issue is not one appropriately shouldered by any single applicant or commercial space. Instead, the question should be how best to determine when and if Old Town reaches a saturation point such that sufficient restaurant use is obtained. Parking capacity, the market rental rates, large vs. small operators and spaces, and the benefits of specific retail and restaurant uses are points to research both historically and for the future. Staff intends to continue its discussions over the next several months in the hope that additional information can inform this important issue.

#### **Wales Alley**

The proposal to use Wales Alley for outdoor seating questions whether the conversion of public space for private use provides a sufficient public benefit that it should be approved. Staff supports the proposal for several reasons. First, staff finds benefit in the lively addition of people and activity to this area of Old Town consistent with the objectives of the anticipated Waterfront Plan. In addition, most of the alley will remain open and useable by the public, although traffic will be limited to a one-way direction. The design proposed in the application for the building alterations and the alley improvements are handsome, understated, and, according to historic preservation staff, consistent with the historic and architectural integrity of the building. The improvements proposed for the alley seating, including the decking and roof, are reversible. The new brick surface will be installed over the entire alley at the applicant's cost and will improve the current relatively desolate condition of the alley.

As a section 9.06 matter, staff finds the proposal to be consistent with the existing and anticipated plans for Old Town and for the waterfront, as discussed above.

If this SUP and the 9.06 case are approved, the City and the applicant will enter into a license agreement for the applicant's use of the alley. The license will run for five years, and require payment of a license fee, calculated with reference to the market value of commercial floor space. Under the terms of the agreement, the City retains ownership of the land but the applicant has permission to use it consistent with the SUP approval. The proposed license agreement is scheduled to be reviewed and approved by City Council on May 25, 2010.

#### **Deliveries/Loading**

The applicant has indicated a willingness and ability to limit deliveries to the restaurant to trucks that will park and unload at the rear of the alley, immediately beyond the outdoor seating area. Staff has added a condition to reflect this suitable arrangement.

### **Trash Storage**

The City maintains a large waste disposal facility within Fayette Alley, immediately behind the Fishmarket Restaurant, which allows nearby restaurants to use it for a fee. Many businesses in the lower King Street area utilize it for trash disposal. The applicant will use this communal dumpster, walking its trash the one block distance, and avoiding the significant problems of maintaining trash dumpsters and trash pick up on The Strand. This arrangement is consistent with the hopes for the future of the waterfront that The Strand be a more attractive, focal area.

### **Design Issues**

Staff has added a series of conditions requiring design of the outdoor seating elements and the improvements to the alley, from both an aesthetic and engineering perspective. The BAR is required to approve all building alterations and signage.

### **Conclusion**

The proposed restaurant, with the outdoor seating in Wales Alley, is a welcome addition to the waterfront, and begins the City's effort to celebrate its location on the Potomac River. While any large restaurant has the potential to impact residents in Old Town, this one should complement the other uses on the street and, with staff's conditions, and the applicant's ability to direct patron parking to garages, become a good neighbor.

Therefore, Staff recommends approval of the change to the use of the alley under Section 9.06 and approval of the SUP subject to the conditions contained in this report.

## **III. RECOMMENDED CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation for indoor dining at the restaurant shall be limited to between 10:00am and 1:00pm seven days/week. (P&Z)
3. For indoor seating, meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z)
4. The hours of operation for the outdoor dining area shall be limited to between 10:00 a.m. to 11:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 11:00pm and shall be cleaned and washed at the close of each business day that it is in use.
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

6. The maximum number of seats at the restaurant shall be 350, which may be located either inside or on the outdoor platform to be located in Wales Alley. (P&Z)
7. The design of alterations to the building and improvements in the alley shall be substantially as shown on the plans submitted with application. (P&Z)
8. The design of the outdoor dining area and all its components must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval. (P&Z)
9. A conceptual design plan for the improvements in Wales Alley, including without limitation the alley surface, curbing, grading profile, drainage detail features, any decking, raised platforms, railings, canopy, landscaping, and lighting shall be submitted for review and approval by the Director of Planning & Zoning in addition to any review required by the Board of Architectural Review. (P&Z)
10. The final design of the brick alley is subject to approval of the Director of Transportation and Environmental Services. The applicant shall post bond for public improvements prior to starting work. (T&ES)
11. A signed and approved license agreement with the City shall be required before the applicant may begin the use of Wales Alley. (P&Z)
12. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z)
13. No delivery service shall be available from the restaurant. (P&Z)
14. On-premises alcohol service may be permitted, but no off-premises sales shall be allowed. (P&Z)
15. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
16. No food, beverages, or other material shall be stored outside. (P&Z)
17. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
18. The applicant shall use the communal City waste disposal facility located in Fayette Alley. (T&ES)

19. The applicant shall comply with the submitted Parking Management Plan dated April 15, 2010, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Management Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (T&ES)(P&Z)
20. The applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
21. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
22. No permanent structure may be constructed over any existing private and/or public utility easements. (T&ES)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
24. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
25. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
26. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Such activities shall take place in Wales Alley adjacent to the subject property behind the proposed outdoor seating area and shall not block access through Wales Alley at any time. (T&ES)
27. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
28. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
29. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)

30. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
31. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

##### Transportation & Environmental Services:

- R-1 The applicant shall comply with the submitted Parking Management Plan dated April 15, 2010, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Management Plan as required shall be made to the satisfaction of the Directors of P&Z and T&ES. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (T&ES)
- R-2 Final design of brick alley subject to approval of the Director of Transportation and Environmental Services. Bond for public improvements shall be posted prior to starting work. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 No permanent structure may be constructed over any existing private and/or public utility easements. (T&ES)
- R-6 The applicant shall use the communal waste disposal facility located in Fayette Alley. (T&ES)
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-8 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-9 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-10 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Such activities shall take place in Wales Alley adjacent to the subject property behind proposed outdoor seating area and shall not block access through Wales Alley at any time. (T&ES)

- R-11 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-12 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

**Code Enforcement:**

- C-1 The height of the porch above grade is not shown. If > 30" above finished grade porches must have guardrails on open sides. Guardrails and intermediate rails must comply with USBC 1012.1.
- C-2 The drawings do not show steps or stairs. Stairs must comply with USBC. Stairways of 3 or more risers require handrails.
- C-3 The new handrails must comply with USBC for a minimum/maximum height of 30 to 34 inches. The ends must extend 12" beyond the top and bottom risers. The handgrip position must not be more than 2-1/4" in cross-sectional dimension, or the shape must provide an equivalent gripping surface. The handgrip portion must have a smooth surface with no sharp corners. The space between the wall and handrail must not be less than 1-1/2".
- C-4 The most restrictive type of construction shall apply to the structure for height and area limitations for nonseparated uses (USBC 508).
- C-5 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.

- C-6 The restaurant is on two levels . Required exits and accessibility for persons with disabilities must be provided on both levels, including, but not limited to, code requirements for toilet rooms, seating, and accessibility to the building. (USBC 1114.4).
- C-7 Toilet Rooms for Persons with Disabilities:
  - (a) Water closet heights must comply with USBC 1109.2.2
  - (b) Door hardware must comply with USBC 1109.13
- C-8 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-9 The applicant shall comply with the applicable accessible signage requirements of USBC 1110.
- C-10 Two means of egress are required from each level of the restaurant (USBC 1018.1).
- C-11 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-12 A dimensioned floor layout showing the current live entertainment and dancing floor area, aisle access ways, exit passageways, and aisles for seating/tables is required (USBC 1004.2, 1005.1, 1006.1, 1008.1)
- C-13 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-14 The following code requirements apply where food preparation results in the development of grease laden vapors:
  - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-15 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
  - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.



Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- F-1 No comment

Historic Preservation/BAR:

- F-1 106 S. Union Street is within the Old and Historic Alexandria District and within the Potomac River Height District. Alterations within the Height District must also comply with the additional design standards listed under Zoning Ordinance sec. 10-105(4) as part of the Certificate of Appropriateness approval.

The present two story brick warehouse at 106 S. Union Street appears on the Sanborn Insurance Maps between 1912 and 1921. It is identified as a Feed Warehouse on the 1941 Sanborn map and there are remnants of a sign for "Walter Roberts, Hay Grain Flour, Office" painted on the east end of the south wall that should be preserved as a reminder of the industrial/commercial era on the Alexandria waterfront. The exterior walls of the simple commercial structure have been altered several times and this is reflected in the variety of sizes and locations of the current windows.

The public right-of-way identified as Wales Alley is a historic alley and should remain functionally and visually open to reflect the rhythm and scale of the warehouse buildings on the Alexandria Waterfront in the 18<sup>th</sup> and 19<sup>th</sup> centuries. BAR staff believes the applicant's proposal maintains this openness.

Alterations to the exterior of the structure, signs and lighting will require approval of a Certificate of Appropriateness from the Old and Historic Alexandria District BAR. The outdoor dining area and all its components must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. Staff has no objections to the

alterations shown in the conceptual sketches and believes the simple materials and forms proposed are appropriate to recall the previous commercial uses.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the restaurant.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.

SUP #2010-0010  
City Charter, Section 9.06 #2010-0002  
106 South Union Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**